

REMARKS

By the above actions, claim 19 has been further amended. In view of these actions and the following remarks, further consideration of this application is requested.

Claims 19, 20, 25-28, 30 & 38, have now been rejected under 35 USC § 103 as being unpatentable over the prior combination of the Foster, Yang and Walters et al. references when viewed in further combination with the Martin patent, while claim 39 has been rejected over these references when viewed in still further combination with the Callahan patent and claim 40 when viewed in further combination with the Balogh patent. To the extent that these rejections relate to the claims as now presented, they are inappropriate for the following reasons.

First, it is noted that claim 1 has been amended to more clearly indicate the manner in which the seal 25 is seated inside the guide sleeve 24. That is, as shown in the sole figure, the annular seal is located in an area of reduced thickness formed on an inner side of the guide sleeve in an area of a free end of the guide sleeve. With or without the amendment to claim 1 (language underlined above), the feature of the present invention by which applicants' annular seal forms a slide guide for the pump shaft is not rendered obvious by the Examiner's proposed compilation of references of which only Foster and Martin are cited with respect to this feature.

First, the Examiner has asserted that Forster shows a "guide sleeve (indicated generally by 86' in figure 5)." However, since the "only difference between the construction of the pump shown in FIGS. 5 and 6 and that shown and described earlier with reference to FIGS. 1-4 is that the coil spring 96 is positioned outside the fluid flow path through the pump," and the use of prime ('') designations, it is clear from the first full paragraph of column 5 that elements 86 (and thus also elements 86'') are leaf springs, not a guide sleeve. More particularly, leaf springs 86, 86'' are part of a locking arrangement by which the pump can be secured by causing cams 94 to "engage the leaf springs 86 and pawls 88 and push them radially inwardly so that the pawls engage the exterior surface of the plunger 16." Thus, the Examiner has improperly construed element 86'' as a guide sleeve when it is neither a sleeve nor serves to guide the pump shaft; to the contrary, it serves to block movement of the pump shaft.

As for Martin's element 88 which the Examiner has identified as a guide sleeve, Martin attributes no guiding function to this element (which is described as a cylindrical or tubular "inner retainer 88" on the inwardly directed flange of which the elastomeric seal 90 is mounted), but since it is entirely spaced from the pump shaft 102, it is totally incapable of serving as a guide sleeve. In this regard, in contrast, applicants' guide sleeve 24 is in a close guiding relationship to the pump shaft 6 along the length of the guide sleeve 24 except at the free end area at which the seal 25 is located. Furthermore, the function of Martin's seal 90 is to serve as a valve that opens and closes the ports 80, while the applicants' seal is located on an inner side of the guide sleeve so as to serve as a slide guide for a valve stem that has no ports.

Moreover, as to the proposed combination of these two references, on the one hand, because there are no ports in the area of the elements 88', 88 (or 86, 86'), there would be no reason to provide a seal used for opening and closing liquid flow ports on these elements. On the other hand, placing of a seal on the elements 88', 88 (or 86, 86') would interfere with, if not destroy, the intended cam action locking and unlocking function of the elements 88', 88 (or 86, 86'). Clearly, a modification that would destroy the intended function of a structure cannot properly be considered to have been obvious. To the contrary, the only apparent reason for doing so by the Examiner is an unjustified attempt to reconstruct applicants' invention from elements of devices that no person of ordinary skill would consider combining.

As for the other reference utilized by the Examiner in his rejections, none of them have any relevance to the features of the present invention that distinguish it from Foster and Martin as commented upon above. Thus, it is submitted that it would not have been obvious modify Foster in the manner of the claimed invention (with or without the latest amendment presented above) based on the disclosures of Yang, Walters et al., Martin, Callahan and Balogh, no matter how they might be viewed one in light of the others since none of these references possess the above noted distinguishing characteristics.

Accordingly, the outstanding rejections under § 103 should be withdrawn and such action is hereby requested.

Therefore, in the absence of new and more relevant prior art being discovered, this application should now be in condition for allowance and action to that effect is requested. However, while it is believed that this application should now be in condition for allowance, in the event that any issues should remain, or any new issues arise, after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for the purpose of resolving any such issue and thereby facilitating prompt approval of this application.

Respectfully submitted,



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